



February 4, 2005

HOUSE BILL No. 1357

DIGEST OF HB 1357 (Updated February 3, 2005 11:06 am - DI 92)

Citations Affected: IC 6-3; IC 35-46; noncode.

Synopsis: Organ donor expense tax deduction. Provides a \$10,000 income tax deduction for human organ donation by an individual or an individual's dependent.

Effective: January 1, 2006.

**Brown C, Becker, Brown T,
Orentlicher**

January 13, 2005, read first time and referred to Committee on Ways and Means.
February 3, 2005, reported — Do Pass.

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HB 1357—LS 7032/DI 101+



February 4, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1357

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2006]: **Sec. 20. (a) As used in this section, "deductible**
4 **expenses" means unreimbursed travel expenses, housing expenses,**
5 **lost wages, and other expenses incurred by an individual in**
6 **connection with the donation of a human organ.**

7 **(b) As used in this section, "human organ" means all or a part**
8 **of the kidney, liver, lung, bone marrow, pancreas, or intestine of a**
9 **human body.**

10 **(c) An individual:**

11 **(1) who donates a human organ of the individual; or**

12 **(2) whose dependent donates, of the dependent's own volition,**
13 **a human organ of the dependent;**

14 **for use in human organ transplantation is entitled to a deduction**
15 **from the individual's adjusted gross income for the taxable year in**
16 **which the human organ is donated.**

17 **(d) The amount of the deduction may not exceed the lesser of:**

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1 (1) the individual's deductible expenses; or

2 (2) ten thousand dollars (\$10,000).

3 (e) To obtain the deduction provided by this section, the
4 individual must file with the department proof of the individual's
5 deductible expenses.

6 (f) An individual may claim only one (1) deduction under this
7 section during the individual's lifetime.

8 SECTION 2. IC 35-46-5-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. (a) As used in
10 this section, "fetal tissue" means tissue from an infant or a fetus who is
11 stillborn or aborted.

12 (b) As used in this section, "human organ" means the kidney, liver,
13 heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a
14 human body.

15 (c) As used in this section, "item of value" means money, real estate,
16 funeral related services, and personal property. "Item of value" does not
17 include:

18 (1) the reasonable payments associated with the removal,
19 transportation, implantation, processing, preservation, quality
20 control, and storage of a human organ; or

21 (2) the reimbursement of travel **expenses**, housing **expenses**, lost
22 wages, and other expenses incurred by the donor of a human
23 organ related to the donation of the human organ; or

24 **(3) an income tax deduction under IC 6-3-2-20.**

25 (d) A person who intentionally acquires, receives, sells, or transfers
26 in exchange for an item of value:

27 (1) a human organ for use in human organ transplantation; or

28 (2) fetal tissue;

29 commits unlawful transfer of human tissue, a Class C felony.

30 SECTION 3. [EFFECTIVE JANUARY 1, 2006] **IC 6-3-2-20, as**
31 **added by this act, applies to taxable years beginning after**
32 **December 31, 2005.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 21, nays 0.

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